

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 17 of 2006



PV 06-20: FastColor, Inc.

CASE DESCRIPTION: request for approval of a 5029-square foot variance from the minimum 20,000-square foot size required of lots in 'C-2' Retail zoning districts, to create a lot that would only be 14,971 square feet in size

LOCATION: 3514 East 29th Street between Barak Lane and Greenfield Plaza, in southeastern Bryan, Brazos County, Texas

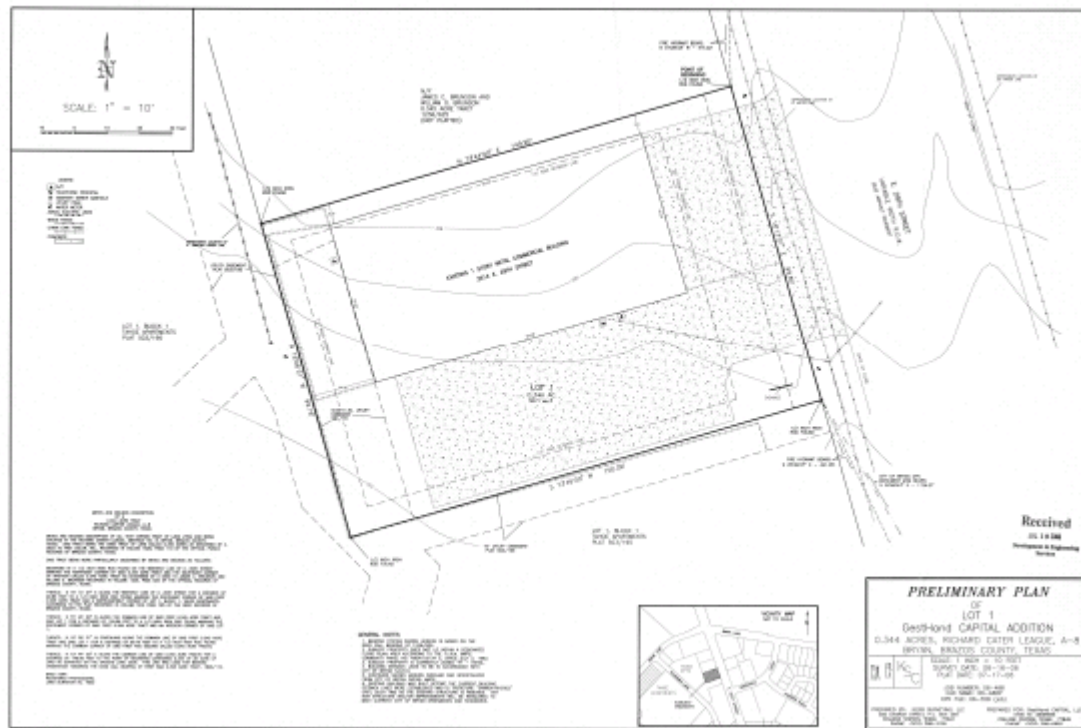
LEGAL DESCRIPTION: 0.344 acres of land out of Richard Carter League, No. A-8

EXISTING LAND USE: retail sales and service

STAFF CONTACT: Martin Zimmermann, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.





BACKGROUND:

The subject property is zoned 'C-2' Retail District and occupied by an older commercial structure. The property is currently occupied by a retail sales and service use and has never been represented on a subdivision plat. Building permits are not generally granted for new construction on tracts of land created solely by deed and which are not represented on a subdivision plat. The property owner is proposing to include this property in a new one-lot subdivision plat (GestHand Capital Addition), as shown on the draft preliminary plan accompanying this report.

Lots in 'C-2' Retail Districts are generally required to be at least 20,000 square feet in size. The landlocked subject property is, however, only 14,971 square feet in size. The applicant is requesting a variance from the minimum 20,000-square foot lot area requirement to be able to represent this site on a subdivision plat.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot area standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Minimum lot size requirements are coordinated with minimum yard requirements, to establish effective standards for building density and population distribution. These

standards are an important tool to prevent overcrowding of land with buildings and provide for general amenity in the development of urban land.

In this particular case, staff contends that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. Staff believes that creation of this one substandard lot will still allow reasonable development with small-scale retail commercial uses in this particular environment where several developed lots exist that do not appear to meet today's minimum lot area requirements.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Staff contends that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property. The subject property, as well as all adjacent land, is already developed and appears to have no ill effects on abutting properties in this particular environment.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

The subject property is landlocked and all adjacent land is already developed. Denying the requested variance would not allow this tract to be represented on a subdivision plat, unless the property owner were able to acquire 5029 square feet of additional land, which appears to be highly unlikely, if not impossible.

RECOMMENDATION:

Staff recommends **approving** the requested variance.